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Paper 17
ENTERED: 11 December 2009

UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

Patent Interference No. 105,714

Regents of the
UNIVERSITY OF CALIFORNIA
(US 7,388,071)
Junior Party,

v.

DANA-FARBER CANCER INSTITUTE, INC.
(09/830,400),
Senior Party.

Before: RICHARD E. SCHAFER, RICHARD TORCZON,
and SALLY GARDNER LANE, *Administrative Patent Judges*.

TORCZON, *Administrative Patent Judge*.

JUDGMENT
Bd.R. 127(b)(4)
on abandonment of contest

NOTICE: "Any agreement or understanding between parties to an interference, including any collateral agreements referred to therein, made in connection with or in contemplation of the termination of the interference, shall be in writing and a true copy thereof filed in the Patent and Trademark Office before the termination of the interference as between the said parties to the agreement or understanding." 35 U.S.C. 135(c); see also Bd.R. 205 (settlement agreements).

The junior party (Regents) has abandoned the contest.¹ By rule, abandonment of the contest is construed to be a request for adverse judgment.² Accordingly—

Judgment is ENTERED AGAINST the Regents for the subject matter of count 1,³ the sole count; and

Claims 1, 2, 4, and 5 of the Regent's involved patent are CANCELED.⁴

A copy of this judgment shall be entered in the administrative records of the involved patent and application.

cc:

Matthew I. Kreeger and Michael R. Ward, MORRISON & FOERSTER LLP, of San Francisco, California

Ivor R. Elrifi and Cynthia A. Kozakiewicz, MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C., of Boston, Massachusetts

¹ Paper 15 (Junior Party Abandonment of Contest).

² Bd.R. 127(b)(4).

³ Paper 1 (Declaration) at 3.

⁴ 35 U.S.C. 135(a)